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DATE: August 17, 2007

OFFICIAL PAPER

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U.S. Serial No.: **09/318,151 now 6,355,656**
Client/Matter No.: **CELG-0121**
Sender's Name: **Faith A. Poore, Patent Prosecution Paralegal**
Pages to Follow: **3**

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OFFICE OF PETITIONS

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COVER MESSAGE:

OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.

Attached hereto are the following documents:

- 1) Notification of Error in Payment of Fees As A Small Entity Pursuant to 37 CFR 1.28(c) (2 pgs.) w/authorization to charge Deposit Account in the amount of \$980.00; and
- 2) Notification of Loss of Entitlement To Small Entity Status (37 CFR 1.28(b)) (1 pg.).

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DOCKET NO.: CELG-0121

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:

Andrew L. Zeitlin and Maghsoud M.
Dariani

Application No.: 09/318,151

Patent No.: 6,355,656

Confirmation No.: 9981

Filing Date: May 25, 1999

Issue Date: March 12, 2002

AUG 22 2007

OFFICE OF PETITIONS

For: PHENIDATE DRUG FORMULATIONS HAVING DIMINISHED ABUSE
POTENTIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: August 17, 2007

I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE TO FACSIMILE NUMBER 571-
273-8300 ON THE DATE LISTED ABOVE.
John W. Caldwell REG. NO. 28,937Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTIFICATION OF ERROR IN PAYMENT OF FEES
AS A SMALL ENTITY PURSUANT TO 37 C.F.R. 1.28(c)

1. During part of the prosecution, small entity assertion was erroneously filed in the above-identified application.
2. This assertion of small entity status and the payment of small entity fees was made in good faith.
3. It has now been discovered that such status as a small entity was established in error.
4. Each of the fees erroneously paid as a small entity are itemized as follows:

Description of fee	Amount Actually Paid	Date Fee was Paid	Deficiency Now Owed
1. Terminal Disclaimer	\$55.00	July 19, 2001	\$75.00
2. Extension for response within third month	\$445.00	July 19, 2001	\$575.00

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PATENT

Description of fee	Amount Actually Paid	Date Fee was Paid	Deficiency Now Owed
3. Terminal Disclaimer	\$55.00	January 8, 2001	\$75.00
4. Extension for response within second month	\$195.00	January 8, 2001	\$255.00
			Total Deficiency Owed \$980.00

5. The total deficiency owed is paid as follows:

- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of \$980.00.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.


Date: August 17, 2007


John W. Caldwell
Registration No. 28,937

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DOCKET NO.: CELG-0121**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED****AUG 22 2007****In Re Application of:****Andrew L. Zeitlin and Maghsoud M.****Confirmation No.: 9981****Dariani****OFFICE OF PETITIONS****Application No.: 09/318,151****Filing Date: May 25, 1999****Patent No.: 6,355,656****Grant Date: March 12, 2002****For: PHENIDATE DRUG FORMULATIONS HAVING DIMINISHED ABUSE
POTENTIAL****NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
(37 CFR 1.28(b))**

Applicants hereby notify the Patent and Trademark Office that they were no longer entitled to status as a Small Entity as of April 19, 2000. This was not appreciated at the time of payment of the extensions and terminal disclaimers fees. The claim for Small Entity status is hereby withdrawn as of April 19, 2000. The first maintenance fee was paid as a large entity on September 12, 2005.

Date: August 17, 2007

John W. Caldwell
Registration No. 28,937

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